



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,499	08/27/2001	Namita Surolia	IN99/00026	8616

7590

03/05/2003

Monica R Gerber
Choate Hall & Stewart
Exchange Place 53
Boston, MA 02109

EXAMINER

WEDDINGTON, KEVIN E

ART UNIT

PAPER NUMBER

1614

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/763,499

Applicant(s)
Surolia

Examiner
Kevin E. Weddington

Art Unit
1614



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 7-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 1614

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 7-13, 15, 16, 19, 20 are drawn to an antimalarial composition comprising an inhibitor of fatty acid synthesis alone or in combination with one or more known antimalarial, classified in class 514, subclasses 721 and 895.
- II. Claim 14 is drawn to an antimalarial composition consisting of a hydroxydiphenyl ether, classified in class 514, subclass 721.
- III. Claims 17 and 18 are drawn to an antimalarial drug target comprising a component of fatty acid synthesis pathway in a malarial parasite, classified in class 514, subclass 3.
- IV. Claims 21 and 22 are drawn to a method of inhibiting the growth of human malaria parasite by use of hydroxydiphenyl ether class of chemicals, classified in class 435, subclass 51.
- V. Claims 23 and 24 are drawn to a method to determine the ability of any compound to inhibit the elongation of fatty acid synthesis in malaria parasite, classified in class 435, various subclasses .
- VI. Claims 25 is drawn to a method of treatment of malaria in a subject with a composition claimed in claim 7, classified in class 514, subclasses 721 and 895.

Art Unit: 1614

- VII. Claim 26 is drawn to use of a compound, classified in class 514, subclass 721.
- VIII. Claim 27 is drawn to use of an inhibitor of fatty acid synthesis, classified in class 514, subclasses 721 and 895.
- IX. Claims 28 and 29 are drawn to use of hydroxyphenyl ether class of chemicals, classified in class 514, subclass 721.
- X. Claims 30 and 31 are drawn to methods for screening or the designing of drugs using the activity of enoyl-ACP reductase, classified in class 435, various subclasses .
- XI. Claims 32 is drawn to an antimalarial drug, classified in class 514, subclass 721.
- XII. Claims 33 and 34 are drawn to use of triclosan to treat infection in class 514, subclass 721.
- XIII Claim 35 is drawn to a hydroxyphenyl ether in combination with a biocide in class 514, various subclasses.

The thirteen inventions are independent and distinct, each from the other as they have acquired a separate status in the art as shown by their different classification and a separate subject matter for inventive effort. Further, a reference which anticipates any one of the above inventions would neither anticipate or make obvious of the other inventions. Each such invention is capable of supporting its own patent. For these reasons, the restriction requirement is proper.

Art Unit: 1614

To be complete, applicants' response must include a provisional election even though the requirement may be traverse.

The applicants are required to elect a single invention for examination purposes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner K. Weddington whose telephone number is (703) 308-1235.

K. Weddington

March 3, 2003


Kevin E. Weddington
Primary Examiner
Art Unit 1614